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OFFICE OF PETITIONS

In re Application of
Jonathan B. Rothbard, et al.
Application No. 09/779,693
Filed: February 7, 2001
Attorney Docket No. 578562001600

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 27, 2006, to revive the above-identified application.

The petition is GRANTED.

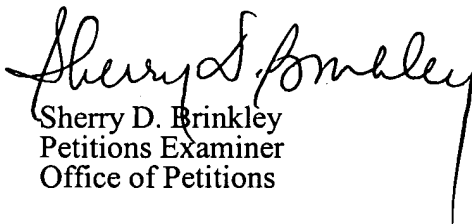
The Office acknowledges receipt of the Notice of Appeal filed March 27, 2006.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$510 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

The 2-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center AU 1618.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions